

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00206

KEVIN REEVES

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On May 9, 2016, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, Kevin Reeves, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Joseph Black. The defendant commenced a thirty-nine month term of supervised release in this action on November 16, 2015, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on July 1, 2014.

The court heard the evidence, the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the state and local offense of driving under the influence of a controlled substance for which he was arrested on or about November 23, 2015, for the reasons more fully set forth on the record of the hearing including the observation by the arresting officer of a half spent marijuana cigarette laying in plain view on the center console, and the defendant's admission to the officer that he had smoked marijuana earlier that day and his admission that he had vomited in the car; (2) the defendant failed to attend substance abuse counseling as directed by the probation officer inasmuch as he was directed on February 18, 2016, to attend counseling at Pyramid Counseling at the rate of two, one hour sessions per month and at the time of the filing of the petition on April 1, 2016, he had failed to attend any sessions; and (3) the defendant failed to abide by the special condition that he spend a period of four months at Dismas Charities inasmuch as he entered the program on February 4, 2016, and was terminated from the program on February 29, 2016, for failing to follow the rules and regulations of the facility;

all as found by the court by a preponderance of the evidence and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOUR (4) MONTHS, to be followed by a term of thirty-five (35) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and

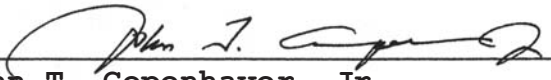
the special condition that he spend a period of five (5) months in a community confinement center, preferably Dismas Charities, and follow the rules and regulations of the facility and participate in substance abuse counseling and treatment as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution as close to Charleston, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 16, 2016



John T. Copenhaver, Jr.
United States District Judge